



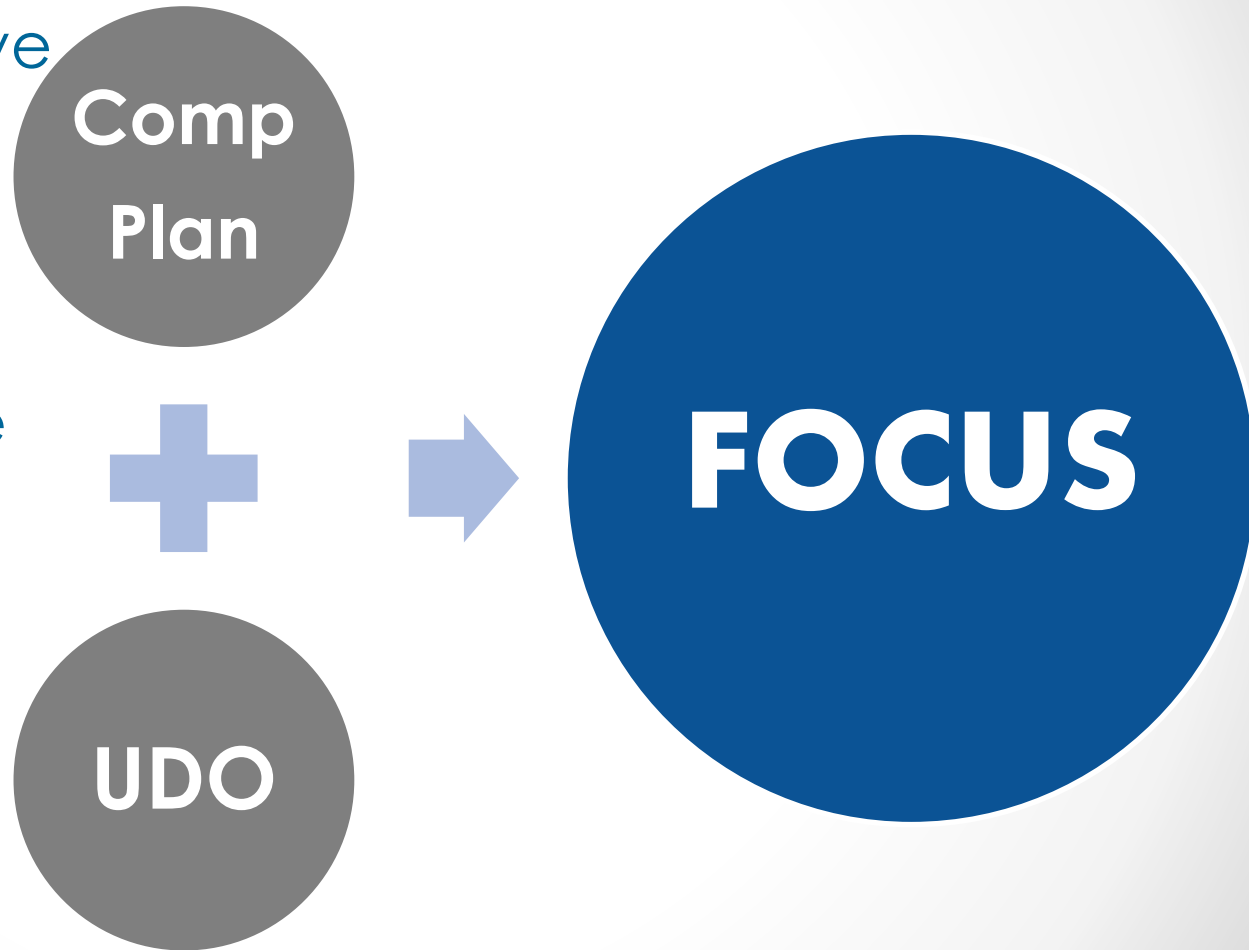
Community Meeting:

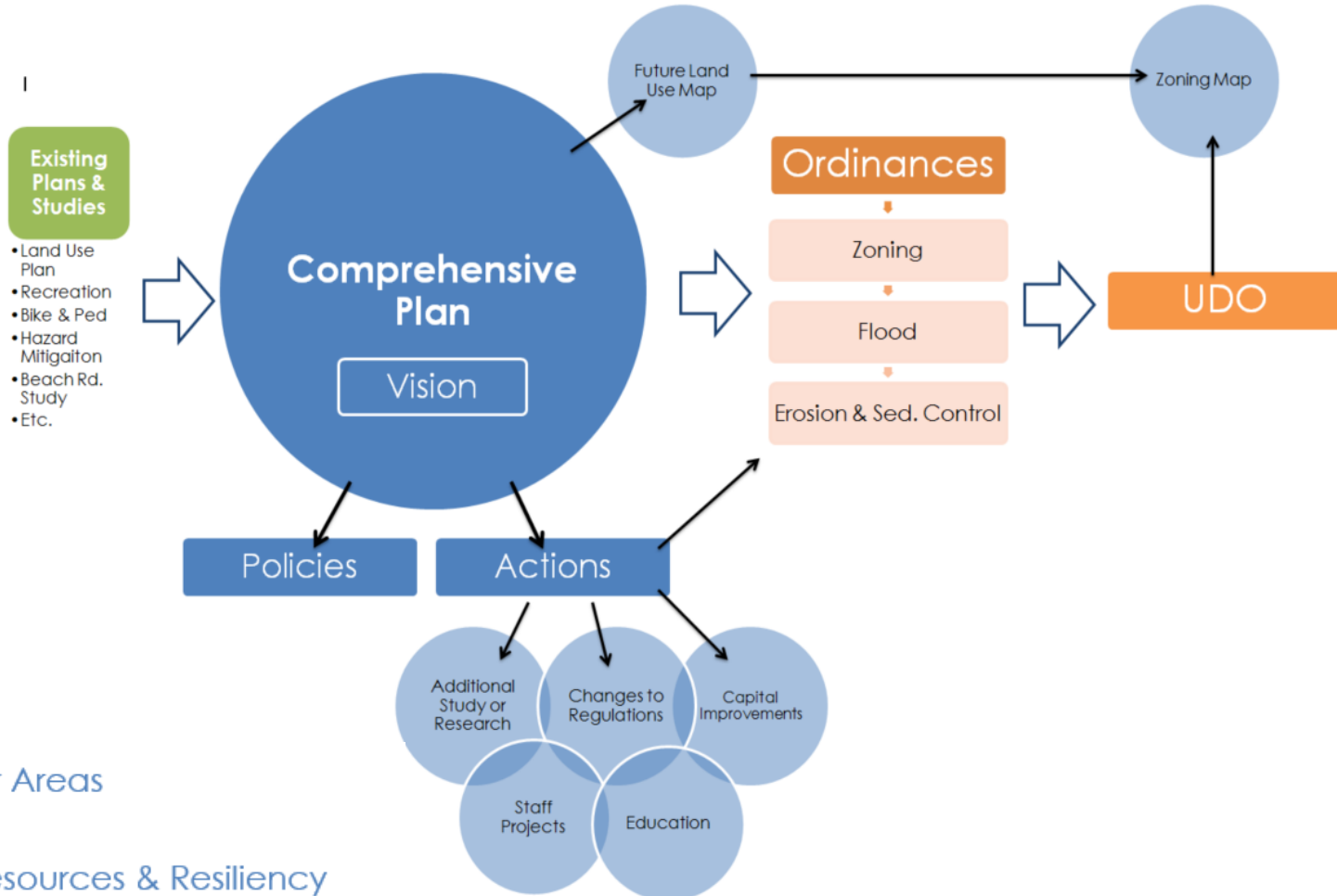
Draft Unified Development
Ordinance (UDO)

April 11, 2019

What is FOCUS Nags Head?

1. Planning initiative
2. Consolidates long range planning documents into Comprehensive Plan
3. Update town codes into a Unified Development Ordinance (UDO)





COMP

Character Areas
Land Use
Natural Resources & Resiliency
Economic Development & Tourism
Cultural Resources
Parks & Recreation
Transportation
Municipal Services

UDO

Chapter 22- Floods
Chapter 28- Soil & Erosion
Chapter 34- Stormwater
Chapter 38- Subdivision
Chapter 48- Zoning



Planning and Development

Why are we doing this?

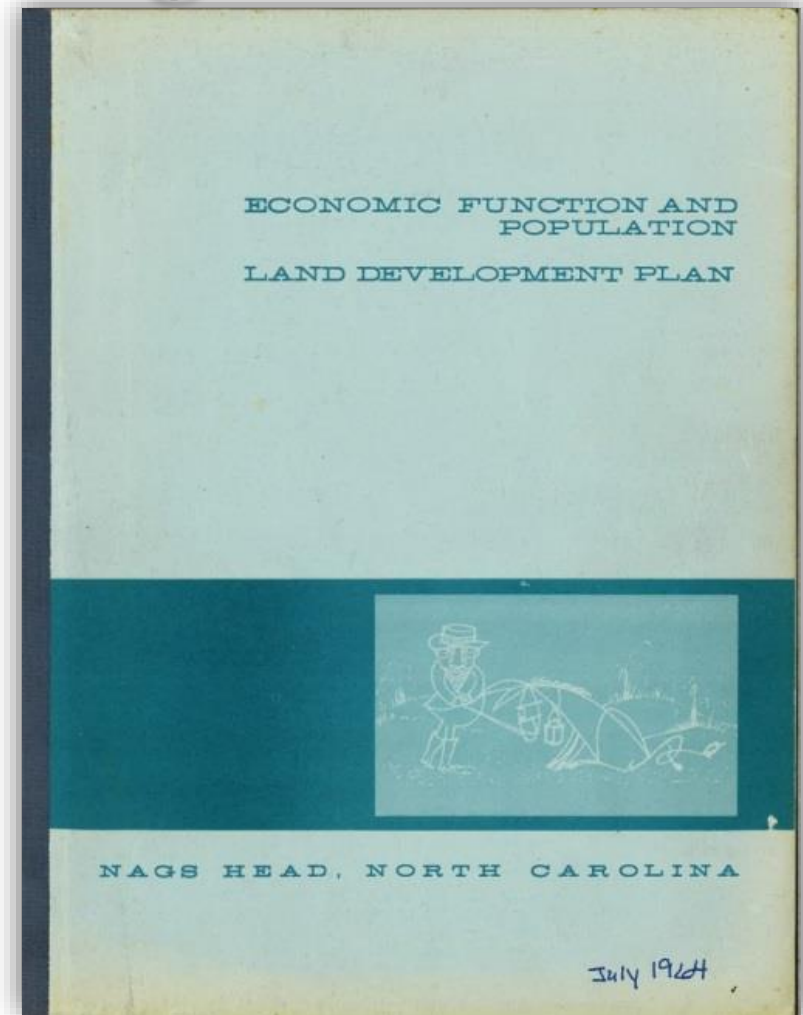
Incorporated 1961

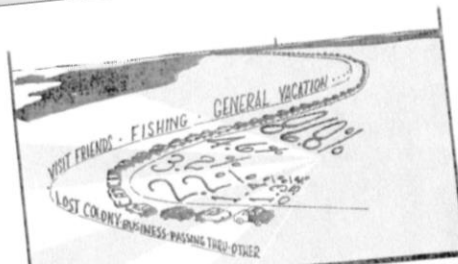
Zoning Ordinance 1962

Land Development Plan 1964

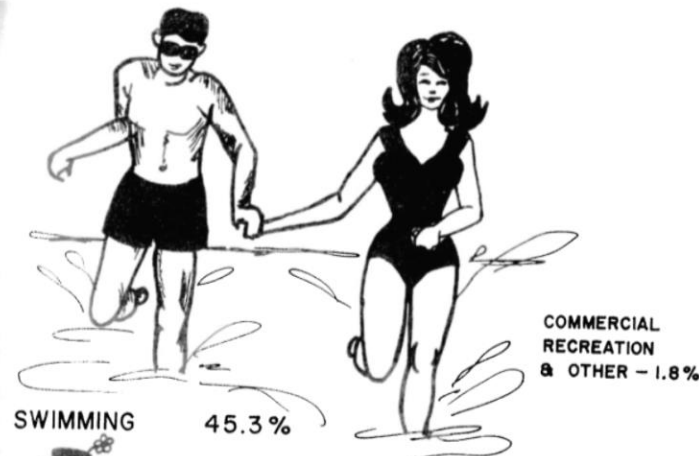
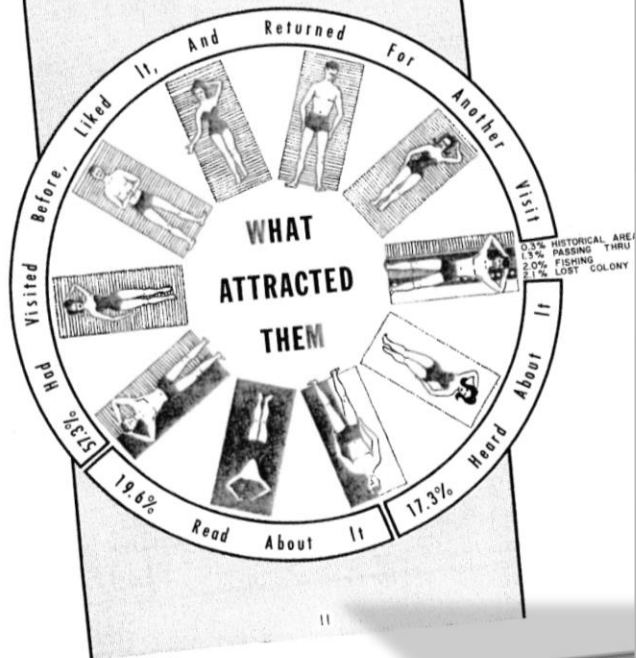
Subdivision Ordinance 1971

Land Use Plan 1976





WHY THEY CAME



COMMERCIAL
RECREATION
& OTHER - 1.8%



SIGHT SEEING 18.1%



RESTING 18.4%

LOST
COLONY
2.1%



FISHING
14.3%

PRIMARY

ACTIVITY

Initial Issues

- *Correcting inconsistencies in the Town Code*
- *Improving clarity*
- *Modernizing language*
- *Consistent terminology*
- *Updating specific chapters (i.e. subdivisions, street standards, etc.)*
- *Review conducted by a “third party” – outside set of eyes*

Policy Issues

- *Cluster housing*
- *Big box development*
- *Beach road development*
- *Commercial Outdoor Recreation Overlay*
- *Inconsistency between zoning districts and existing uses*



Technical Committee

Provide **technical review and guidance** on the development **regulations and code sections** as they are being drafted

- Barbara Ayars
- Ben Cahoon
- Mark Cornwell
- Marvin Demers
- Dave Elder
- Tom Haddon
- Bobbi Stager



Technical Committee

- 14 Committee Meetings- minimum 2 hour meetings
- Preparation and review of materials ahead of meeting- 2 hours
- Attendance at Community Meetings

Each of the 7 committee members:

Approximate-

28 hours in meetings

28 hours preparing for meetings

2 hours community meetings

58 hours TOTAL per committee member

406 hours TOTAL for the Advisory Committee

17 days TOTAL
Planning and Development



UDO Purpose

Allows towns to combine various land development ordinances into a single unified ordinance.

- NCGS 160A-363 revised in 2005
- Legislation does not apply to general ordinance authority
 - Noise ordinances, nuisance lot ordinances, junk car ordinances, etc.
- Summary of NCGS 160A contents:
 - Zoning and Land Use Regulations
 - Subdivision and Plats
 - Construction and Maintenance of Buildings
 - Transportation
 - Community and Economic Development
 - Community Appearance, Signs, Junkyards, and Junk Cars
 - Open Space and Agriculture
 - Environment and Natural Resources
 - Erosion and Sedimentation Control
 - Coastal Management
 - State Environmental Policy Act



Goals of the UDO

- Reorganize and update the Town code into a user-friendly format
- Implement portions of the Comprehensive Plan
 - Emphasis on accomplishment of the vision through the themes
- Provide consistency with NC State Statutes
- Address staff/board concerns as well as policy issues



Plan Themes (1-13)

A. Architectural Integrity

Allow flexibility to maintain the unique, quirky character by examining the design review process and allowing nonconforming structures to renovate and expand.

B. Beach Road vs Bypass

Recognize that the Beach Road and the Bypass are two distinct areas with unique characteristics and should have different standards for development.

C. Protecting Conversion of Commercial Property to Residential

Encourage commercial development in appropriate places, in defined activity nodes, and at appropriate scales to support the existing commercial businesses along Beach Road. Continuing investment in infrastructure to further develop bike and pedestrian connections is paramount to this.

D. Shopping Centers and Large Format Development

Direct large format commercial development to existing activity nodes.

E. Character Areas

Recognize areas that each have their own unique characteristics and where more detailed planning and implementation of certain policies, investment, incentives, or regulations may be applied in order to preserve, improve, or influence their future development patterns that are consistent with the town's vision.

F. Oceanfront

Encourage future development that is resilient and more adaptable to changing conditions. (i.e.: low-density, smaller, more adaptable buildings, VE zone standards, reduce accessory structures in CAMA setback)



Plan Themes

G. Preservation of Existing Business

Provide flexibility to nonconforming properties for renovations and updates, allowing them to remain relevant in the market. This would include flexibility during design review.

H. Greater Diversity in Housing and Accommodations

Encourage hotel development, cottage courts, and accessory dwelling in appropriate locations.

I. Connectivity

Provide increased connectivity between homes, businesses, recreational opportunities, and other key destinations in town resulting in a more walkable community and healthier way of life.

J. Healthy Small, Local Business Economy

Support small, local businesses, recognizing the value that many of the small businesses contribute to the sense of place, quality of life, and high quality visitor experience within the town.

K. Arts and Cultural Resources

Recognize the impact of culture and arts on the economy and quality of life.

L. Environmental Quality

Adapt to changing future conditions in a way that allows the town to be more resilient without long-term damage to the economy, environment, or quality of life.



UDO Outline

- Article 1. Purpose and Applicability
- Article 2. Administrative/Legislative/Quasi-Judicial Authority
- Article 3. Legislative/Quasi-judicial Procedures
- Article 4. Development Review Process
- Article 5. Nonconforming Situations
- Article 6. Zoning Districts/Table of Uses and Activities
- Article 7. Zoning District Supplemental Regulations
- Article 8. Zoning District Development Standards (yard, area, and height)
- Article 9. Village at Nags Head (SPD-C)
- Article 10. Performance Standards (Signs, Lighting, Landscaping)
- Article 11. Environmental Regulations (i.e. Flood Damage Prevention, Stormwater Management)
- Appendix A. Definitions
- Appendix B. Residential Design Guidelines



Article 1-2

Article 1. Purpose and Applicability

Article 2. Administrative/Legislative/Quasi-Judicial Authority

- No majors changes
- Carried over language from code of ordinances- Article 1
- Consolidated all authority- Article 2



Article 3- Legislative/Quasi-judicial Procedures

Consolidates and clarify processes/notification requirements for Legislative and Quasi-Judicial Procedures

- Legislative Procedures-
 - Text Amendment
- Quasi-Judicial Procedures-
 - Conditional Use Permits
 - Appeals


TABLE 3.1: REVIEW PROCEDURES				
	D = DECIDE	R = RECOMMENDATION	< > = PUBLIC HEARING	
PROCEDURE	UDO ADMINISTRATOR	PLANNING BOARD	BOARD OF COMMISSIONERS	BOARD OF ADJUSTMENT
UDO Text Amendment	R	R	<D>	
Zoning Map Amendment	R	R	<D>	
Conditional Use Permit	R	R	<D>	
Appeal	R			<D>
Variance	R			<D> 

TABLE 3-3: PUBLIC NOTIFICATION TIMING REQUIREMENTS

APPLICATION TYPE	TYPES OF REQUIRED PUBLIC NOTICE		
	PUBLISHED NOTICE	MAILED NOTICE	POSTED NOTICE
UDO Text Amendment	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing		
Zoning Map Amendment	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing	Between 10 and 25 days before hearing (exception – see Section 3.4.2.3)	At least 10 days before hearing
Conditional Use Permit	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing	Between 10 and 25 days before hearing	At least 10 days before hearing
Appeal		Between 10 and 25 days before hearing	At least 10 days before hearing
Variance		Between 10 and 25 days before hearing	At least 10 days before hearing
Subdivision Waiver		Between 10 and 25 days before hearing	At least 10 days before hearing



Article 4- Development Review Process

- Development Review Process
 - Staff-
 - Minor Site Plans
 - Change of Use
 - Administrative Adjustments
 - Temporary Use
 - Minor Subdivisions
 - Major Subdivisions Final Plat
 - Planning Board
 - Major Site Plan/Vested Right Site Plan
 - Major Subdivision
 - Subdivision Review
- Major Changes-
 - Added extra time between applicant submittal and Planning Board Meeting
 - Allows more time for staff review and any needed applicant changes
 - More complete site plans
 - Pre-Application Sketch Plan required for larger commercial projects to be consistent with the new commercial design standards

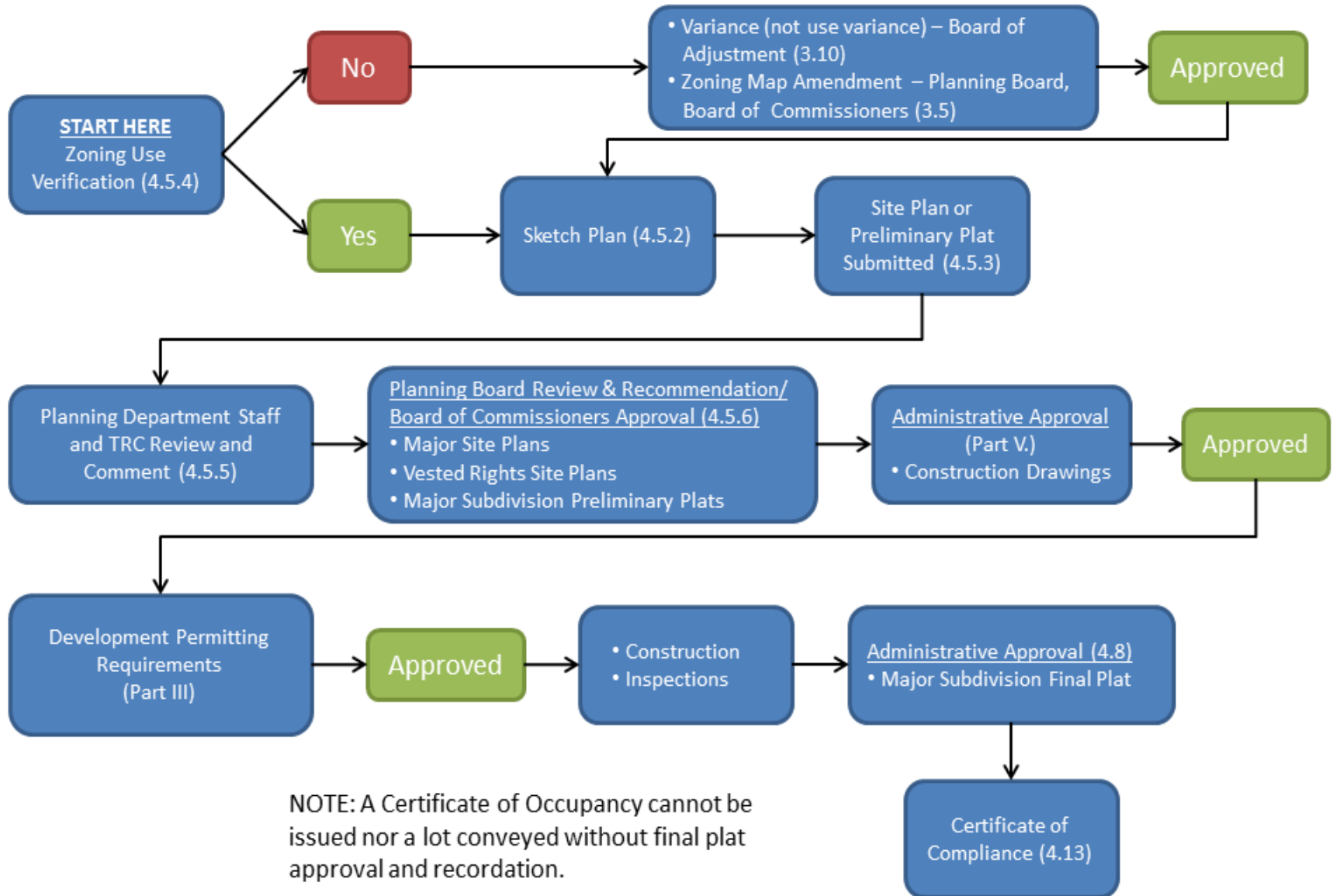


TABLE 4.1: DEVELOPMENT REVIEW PROCEDURES

D = DECIDE R = RECOMMENDATION

PROCEDURE	UDO ADMINISTRATOR	BUILDING INSPECTOR	TECHNICAL REVIEW COMMITTEE	PLANNING BOARD	BOARD OF COMMISSIONERS
SITE DEVELOPMENT					
Site Plan					
Major Site Plan	R		R	R	D
Minor Site Plan	D		R		
Subdivision					
Major Subdivision					
Preliminary Plat	R		R	R	D
Construction Drawings	D		R		
Final Plat	D		R		
Minor Subdivision	D		R		
PERMITS					
Building Permit		D			
Zoning Permit	D				
Sign Permit	D				
Flood Hazard Zone Permit	D				
Land Disturbance Permit	D				
Storm Repair Permit	D				
Temporary Use Permit	D				





Article 5- Nonconforming Situations

- No major changes
- Cleaned up language

ARTICLE 5. NONCONFORMITIES

Section 5.1 Intent

Section 5.2 Nonconforming Lots of Record

Section 5.3 Nonconforming Structure with Conforming Use

Section 5.4 Nonconforming Site and Parking Areas

Section 5.5 Nonconforming Use of Land

Section 5.6 Nonconforming Use of Structure

Section 5.7 Nonconforming Sign and Sign Structure

Section 5.8 Vested Right

Section 5.9 Historic Structures

Section 5.10 Application of Commercial Design Standards



Article 6- Zoning Districts/Table of Uses and Activities

- Defines primary zoning districts, overlay districts, special districts
 - *C-1 District*
- Consolidated table of permitted uses
- Table is organized by:
 - *Zoning district*
 - *Use Category- i.e. residential, retail, service, accessory*
 - *Use type- Dwelling, Single-Family*
- Uses shown as permitted or conditional
- Several new uses added-
 - *Ex: 2 new classes- home occupations, Artisans Workshop*
- *Mixed Use Development*



Table of Permitted Uses

Use Category/Class	Use Type	Residential Districts			Commercial Districts				
		R-1	R-2	R-3	CR	C-1*	C-2	C-3	C-4
Retail	Firearms Sales and Service						P		
Retail	Food Truck					PS	PS		
Retail	Food/Grocery Store					P	P		
Retail	Furniture Store						P		
Retail	General Retail, including clothing, gifts, candy, toys, shoes, jewelry, notions, beach equipment, bakery, antiques, hobby goods, magazines/comics, crafts, dry goods, gifts, musical instruments, bookstores, sporting goods (and the incidental manufacturing, repair, or service of goods on the premises)				P	P	P		P
Retail	Greenhouse/Plant Nursery					P	P	P	
Retail	Hardware Store					P	P		
Retail	Pet Shop/Dog Grooming					PS	PS		PS
Retail	Pharmacy					P	P		
Retail	Production/Repair/Sales Eyeglasses, Hearing Aids, Prosthetics					P	P	P	
Service	Automobile Repair						CS		
Service	Bail Bonds						P		
Service	Banking Institution					P	P		
Service	Battery Charging/Exchange Station					PS	PS	PS	
Service	Broadcasting Studios						P		
Service	Car Washes (Automated and Self-Service)						CS		
Service	Carpet Sales and Installation							P	
Service	Child Care Facility, Child Care Center					CS	CS		



Article 7- Zoning District Supplemental Regulations

- Regs contained in one article
- Example: standards for hotels are listed in one location rather than for every district in which they are allowed

ARTICLE 7. SUPPLEMENTAL REGULATIONS

ARTICLE 7. SUPPLEMENTAL REGULATIONS

PART I. INTRODUCTION.....	7-3
<u>PART II. RESIDENTIAL</u>	7-3
Section 7.1 Cluster Housing.....	7-3
Section 7.2 Cottage Courts.....	7-3
Section 7.3 Dwelling, Accessory.....	7-7
Section 7.4 Dwellings, Large Residential.....	7-7
Section 7.5 Dwellings, Multi-Family/Townhouse	7-9
Section 7.6 Granny Pods/Temporary Health Care Structures	7-11
Section 7.7 Home Occupations, Class 1, 2 & 3	7-11
Section 7.8 Boarding House.....	7-14
Section 7.9 Child Care Facility.....	7-14
Section 7.10 Dormitory	7-15
Section 7.11 Family Care Homes/Halfway Homes.....	7-16
Section 7.12 Hotels.....	7-16
<u>PART III. RETAIL</u>	7-18
Section 7.13 Auction House.....	7-18
Section 7.14 Food Trucks	7-18
Section 7.15 Pet Shop	7-19
<u>PART IV. SERVICE</u>	7-20
Section 7.16 Automobile Repair	7-20
Section 7.17 Battery Charging/Battery Exchange.....	7-20
Section 7.18 Car Washes (Automated and Self-Service Only).....	7-21
Section 7.19 Food Bank.....	7-22



Previous Format - C-2 Zoning District

- (7) Hotels, provided that the following requirements and conditions are met:
- a. A hotel parcel shall have a minimum width of 150 feet.
 - b. A minimum front yard setback of 30 feet is required.
 - c. A minimum rear yard setback of 30 feet is required.
 - d. A minimum setback for any structure from a side yard property line other than a property line along a state or town street right-of-way shall be ten feet. In the case of a corner lot, to ensure adequate sight clearance, the minimum width of the side yard adjacent to the right-of-way shall be the greater of either the front yard setback or side yard setback.
 - e. The maximum height of a structure shall be 35 feet.
 - f. A minimum of 50 percent of the required side yard setbacks shall be left undeveloped as open space. Subterranean sewage systems and repair areas are allowed in the required setbacks.
 - g. Hotel units shall be at least 300 square feet in area. Hotel efficiency units shall be at least 400 square feet in area. No hotel unit or hotel efficiency unit shall be greater than 700 square feet in area except for hotel suites as regulated below.
 - h. In addition the above hotel units, hotels may have hotel suites consisting of no more two bedrooms and a total unit size not to exceed 900 square feet in area.
 - i. Each detached building intended for rental or guest occupancy shall contain a minimum of two hotel rental units.
 - j. Unless the public safety department has approved an alternate life safety/fire evacuation plan, a 12-foot

New Format – Standards for hotels in all districts

SECTION 7.12 HOTELS.

Hotels are permitted in accordance with Section 6.6 Table of Uses and Activities, provided the following additional requirements and conditions are met:

7.12.1. Dimensional Requirements.

TABLE 7-2: DIMENSIONAL REQUIREMENTS FOR HOTELS			
	C-1	C-2	HO
Lot Width	100 feet	150 feet	
Front Setback	15 feet; portions of buildings greater than two stories shall be set back an additional 10 feet.	30 feet; portions of buildings greater than two stories shall be set back an additional 10 feet.	15 feet; portions of buildings greater than two stories shall be set back an additional 10 feet for every story over two. In no instance shall the setback need to exceed 30 feet.
Rear Setback	25 feet		
Side Setback	10 feet; 15 feet for corner lot; portions of buildings greater than two stories shall be set back an additional 10 feet.		10 feet; 15 feet for corner lot; portions of buildings greater than two stories shall be set back an additional 10 feet for every story over two. In no instance shall the setback need to exceed 30 feet.
Height	35 feet		60 feet
Open Space	50% of side yard to remain as open space.	50% of side yard to remain as open space.	50% of side yard to remain as open space. Minimum 5 feet, Maximum 10 feet.
	C-1	C-2	HO
Lot Coverage	55%		65%
Density	Maximum 20 units per site.	None	None



Article 8- Zoning District Development Standards

SECTION 8.2 DEVELOPMENT STANDARDS – PRIMARY ZONING DISTRICTS.

8.2.1. Dimensional Requirements.

District	Minimum Front Yard Depth ²	Minimum Side Yard Depth ³	Minimum Rear Yard Depth ⁴	Maximum Building Height ²	Lot Coverage ³
R-1 Low-Density Residential Single-Family Large Residential ⁴	30 feet	12 feet	20% of lot depth, not to exceed 30 feet ⁵	35 feet, 42 feet if utilizing 8/12 roof pitch	30% plus 300 sq. ft. or 33%, whichever is greater
R-2 Medium-Density Residential Single-Family Duplex Large Residential ⁴ Lots using individual well/septic tanks	30 feet	10 feet	20% of lot depth, not to exceed 30 feet ⁵	35 feet, 42 feet if utilizing 8/12 roof pitch	30% plus 300 sq. ft. or 33%, whichever is greater
R-3 High-Density Residential Single-Family Duplex Large Residential ⁴ Lots using individual well/septic tanks	30 feet	8 feet	20% of lot depth, not to exceed 30 feet	35 feet, 42 feet if utilizing 8/12 roof pitch	30% plus 300 sq. ft. or 33%, whichever is greater
CR Commercial Residential ¹⁰ Commercial ⁶ Single-Family Duplex Large Residential ⁴ Lots using individual well/septic tanks	15 feet 30 feet 30 feet	8 feet	25 feet 20% of lot depth, not to exceed 30 feet ⁸	35 feet, 42 feet if utilizing 8/12 roof pitch	40% 30% plus 300 sq. ft. or 33%, whichever is greater
C-1 Neighborhood Commercial Commercial ⁶ Single-Family Duplex Large Residential ⁴ Lots using individual well/septic tanks	15 feet 30 feet 30 feet	15 feet ⁷	25 feet 20% of lot depth, not to exceed 30 feet ⁸	35 feet, 42 feet if utilizing 8/12 roof pitch	55% 30% plus 300 sq. ft. or 33%, whichever is greater

All district standards located in one location



Article 8 – District Development Standards

- All district standards in one location
 - Lot coverage
 - Height
 - Yard requirements
- This Article contains any special development requirements or procedures for any of the town's special districts or overlay districts
- Explanation of standards-
 - Exclusions
 - Reductions
 - Special Provisions

Article 9- Village at Nags Head (SPD-C)

- Village SPD-C zoning
- No major changes



Article 10- Performance Standards

ARTICLE 10. PERFORMANCE STANDARDS

Part I. Buffering Requirements

Part II. Off-Street Parking and Loading Requirements

Part III. Sign Regulations

Part IV. Outdoor Lighting

Part V. Subdivision Regulations

Part VI. Commercial Design Standards

Part VII. Wireless Telecommunication Facilities

-
- Commercial Design standards- consolidates standards for commercial design review; buffering and site design requirements (including driveway and parking lot layout) for commercial projects
 - Parking section- one and two-family as well as required parking by use for non-residential
 - Buffering standards- general standards
 - No major changes to subdivisions or wireless telecommunication



Article 11- Environmental Regulations

ARTICLE 11. ENVIRONMENTAL REGULATIONS

Part I. Flood Damage Prevention

Part II. Sedimentation and Erosion Control

Part III. Stormwater Control

-
- Flood damage prevention- carried forward as is. Staff will update with new maps.
 - No changes to Soil Erosion and Sedimentation Control
 - Stormwater- updated with the recent text amendments.



Appendix A & B

- Appendix A- Definitions
 - Consolidated and applies to entire UDO
- Appendix B- Residential Design Guidelines
 - No change



Engage!

Send any comments or concerns to Holly White by **MAY 3-**



holly.white@nagsheadnc.gov



Next Steps

- Planning Board/ BOC Discussion- May 2019
- Public Hearing- June * *Tentative*
- Adoption

